

# Charles Oakley's lawsuit against MSG reinstated, James Dolan able to be included as defendant



By Daniel Kaplan 13m ago

Charles Oakley will get his chance to sue MSG, and possibly executive chairman and CEO James Dolan, over the former Knick's 2017 ejection from the arena after a federal appeals court panel overturned a [district judge's 2021 dismissal of the case](#). Here's what you need to know:

- This is the second time the appeals court has reinstated the lawsuit, which alleges MSG security used unnecessary force to eject Oakley from the [Feb. 8, 2017, game](#).
- The panel's ruling does not conclude Oakley is correct, only that he should have an opportunity to argue the case to a jury.
- The panel also gave Oakley the go-ahead to seek to amend his complaint and add Dolan, who allegedly ordered the ejection, as a defendant.

## Backstory

The lower court judge had ruled in 2021 that after seeing video footage of the incident, no one could infer unreasonable force was used to eject Oakley. But the three-judge appeals court panel, which heard oral arguments on the case just last month, disagreed and ruled more discovery was needed and a jury should decide.

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MSG under New York law had the right to evict Oakley, the main question is whether security guards used unnecessary force. The lower court judge, Richard Sullivan, ruled from the available video footage, Oakley clearly fell on his own without pushing by the security guards. But the appellate panel agreed with Oakley that the video cited by Sullivan did not capture the full encounter, and more discovery was needed to ferret out potential audio and witness evidence.

“We are obviously thrilled with the Second Circuit’s decision and look forward to holding MSG and Dolan accountable for their actions,” Oakley’s lawyer, Douglas Wigdor, wrote in an email.

MSG could not immediately be reached for comment. MSG could appeal the decision to the full Second Circuit, a process known as an en banc appeal.

Dolan’s alleged order for Oakley’s ejection from the Garden came after the former power forward had been a vocal critic for some time of the owner’s tenure. After the ejection, [MSG issued a statement](#) declaring it hoped Oakley got the help he needed.

Oakley sued, including for libel, and Judge Sullivan dismissed all the allegations. In 2020, the Second Circuit Court of Appeals reinstated the assault and battery claims. The next year, Judge Sullivan dismissed those remaining claims and ruled Oakley’s motion to add Dolan as a defendant as moot.

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Now the case — nearly five and a half years after the ejection — appears headed back to Judge Sullivan’s court.

## Required reading

- [‘Free Charles Oakley!’ The New York Knicks, a messy arrest and a feud that hasn’t ended](#)

*(Photo: Ron Jenkins / Getty)*

**Daniel Kaplan** spent 21 years at SportsBusiness Journal, helping create before the magazine even launched the leading industry publication for sports business news. He left in May 2019 to join The Athletic. He writes primarily for the NFL vertical but also contributes stories in other sports. Follow Daniel on Twitter [@KaplanSportsBiz](#)

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